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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 **ETHELYN HOLMES,** ) Case No. 3:11-cv-01942-IEG-CAB  
12 )  
13 Plaintiff, ) **JOINT MOTION TO DISMISS**  
14 ) **WITH PREJUDICE**  
15 )  
16 vs. )  
17 )  
18 **APELLES, LLC,** )  
19 )  
20 Defendant. )  
21 )

22 

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23 NOW COME THE PARTIES by and through their attorneys to respectfully  
24 move this Honorable Court to dismiss this matter with prejudice pursuant to Federal  
25 Rules of Civil Procedure 41(a)(1)(A)(ii). Each party shall bear their own costs and  
26 expenses. A proposed order has been concurrently submitted to this Court via  
27 email.  
28

Respectfully submitted this 3rd day of November, 2011

By: s/Todd M. Friedman  
Law Offices of Todd M. Friedman, P.C.  
Attorney for Plaintiff

By: s/Susan Germaise  
Mcguirewoods LLP  
Attorney for Defendant

**Signature Certification**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Susan Germaise, counsel for Defendant, Apelles, LLC, and that I have obtained Ms. Germaise's authorization to affix her electronic signature to this document.

By: s/Todd M. Friedman  
Law Offices of Todd M. Friedman, P.C.  
Attorney for Plaintiff

Filed electronically on this 3rd day of November, 2011, with:

United States District Court CM/ECF system

Notification sent electronically via the Court's ECF system to:

Susan Germaise  
MCGUIRE WOODS , LLP  
1800 Century Park East  
8th Floor  
Los Angeles CA 90067

This 3rd day of November, 2011.

s/Todd M. Friedman  
Todd M. Friedman